

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:	§	
	§	CHAPTER 7
ORLY GENDER,	§	
	§	CASE NO. 19-10926-TMD
Debtor.	§	

**AMENDED EXHIBIT LIST AND WITNESS LIST OF SAGI GENDER,
TPR INVESTMENT ASSOCIATES, INC., DALIA GENDER, D&K GP LLC,
AND THE ORLY GENDER 1993 TRUST**

Sagi Genger, TPR Investment Associates, Inc., Dalia Genger, D&K GP LLC, and the Orly Genger 1993 Trust (collectively, the “Parties”), creditors and parties in interest in the above captioned Chapter 7 case, serve this Amended Exhibit List and Witness List and respectfully designate the following potential exhibits¹ and witnesses for the October 31, 2019 hearing regarding the Motion to Dismiss Bankruptcy Case or, Alternatively, to Transfer Venue, and Memorandum of Law in Support [Docket No. 32]:

Exhibits

Exh.	Date	Description	Marked	Object	Admitted
1	1/2/2009	Surrogate Roth Decision		X	
2	1/10/2011	Withdrawn			
3	9/20/2011	Arie and Orly's 2011 Complaint		X	
4	6/4/2012	Withdrawn			
5	10/15/2012	Orly Genger Third Amended Petition		X	
6	1/23/2013	Withdrawn			

¹ Certain exhibits marked with a “**” are confidential pursuant to the Protective Order and have not been circulated to the parties who have not been authorized to receive same.

7	6/16/2013	2013 Settlement Agreement			
8	6/16/2013	Notes			
9	7/1/2013	Money Flow**		X	
10	5/15/2014	Keenan Opinion and Order 2		X	
11	7/24/2014	App. Div. Order and Decision to Dismiss Appeal		X	
12	1/5/2015	Judge Forrest 2015 Opinion and Order			
13	10/2/2016	Orly Genger American Express Account Statement			
14	10/20/2016	Second Circuit Rakoff Order, <i>Sagi Genger v. Orly Genger</i>			
15	12/2/2016	Withdrawn			
16	3/31/2017	2017 Agreement**		X	
17	7/13/2017	Herschmann's Mortgage		X	
18	11/20/2017	First Amendment to Subordinated Notes**		X	
19	11/27/2017	Orly Declaration 1			
20	1/25/2018	Herschmann NY Declaration			
21	1/25/2018	Orly Declaration 2			
22	5/16/2018	Orly Declaration 3			
23	7/27/2018	Judge Forrest 2018 Opinion and Order		X	
24	8/17/2018	Judgment on Motion to Dismiss		X	
25	8/17/2018	Withdrawn			
26	9/14/2018	Orly Declaration 4			
27	10/13/2018	Orly Genger 2017 Tax Returns**		X	
28	10/16/2018	Orly's 2018 Inter Answers			
29	11/21/2018	Orly 2 Circuit Opening Brief		X	

30	1/8/2019	Transcript of Hearing Before Freeman		X	
31	3/7/2019	Orly Genger Depo**		X	
32	3/11/2019	Orly 2 Circuit Reply Brief			
33	3/25/2019	Judge Jaffe Decision and Order		X	
34	4/3/2019	Excerpt from 4.3.19 Arie Genger Deposition transcript, lines 5:21-6:6**		X	
35	4/15/2019	WDTX Order		X	
36	4/15/2019	Orly Genger's April 15, 2019 Extension Requests, State and Federal ²			
37	4/30/2019	Letter to Kasowitz		X	
38	5/2/2019	Kasowitz Response to Letter		X	
39	6/4/2019	Kupka Accounts Report**		X	
40	6/11/2019	Sagi 2019 Brief, <i>Dalia Genger v. Sagi Genger v. Orly Genger</i> **		X	
41	6/11/2019	2019 Notice		X	
42	6/13/2019	Extension Request		X	
43	6/26/2019	So-Ordered Scheduling Stipulation		X	
44	6/28/2019	Second Circuit Broderick Order, <i>Dalia Genger v. Sagi Genger v. Orly Genger</i>		X	
45	7/3/2019	Notice of Bankruptcy: Orly Genger			
46	8/8/2019	Statement of Financial Affairs and Schedules			
47	9/2019	Withdrawn			
48	9/3/2019	Withdrawn			
49	9/5/2019	Orly Genger Address		X	

² To be supplemented, if applicable.

50	9/16/2019	Trustee Reargument		X	
51	10/4/2019	2009 Reargument Decision		X	
52	10/8/2019	Email From Taube_Orly out of Country		X	
53	10/13/2019	100 Last Lawsuits of Herschmann		X	
54	12/09/2019	Withdrawn			
55		Withdrawn			
56		1:2011cv05602 Docket		X	
57		1:2013cv08243 Docket		X	
58		1:2014cv01006 Docket		X	
59		1:2014cv05683 Docket		X	
60		1:2017cv08181 Docket		X	
61		1:2019mc00210 Docket		X	
62		1:2019cv09319 Docket		X	
63		1:2019cv09365 Docket		X	
64		1:2019mc00459 Docket		X	
65		100697/2008 Docket		X	
66		109749/2009 Docket		X	
67		651089/2010 Docket		X	
68	5/8/19	Letter re AmEx		X	
69		Judge Freeman Referral		X	
70		Judge Gammerman Hearing		X	
71		Herschmann Lawyer in Texas		X	
72		Federal Home Loan Mortgage Herschmann		X	

73		JLS Equities Herschmann		X	
74		US Bank National Association Herschmann		X	
75		NJ Property Detail		X	
76	10/25/2019	Dalia Doctor letter		X	
77		Brady v. Ross		X	

The Parties also incorporate any exhibits identified by any other party. Additionally, The Parties include all writings and/or documents that are necessary to explain, complete or otherwise put in context any writings and/or documents introduced by any other party. Furthermore, the Parties also include any exhibits that may be necessary for rebuttal purposes but that are not reasonably anticipated at this time.

WITNESSES

1. Orly Genger;
2. Eric Herschmann;
3. Michael Bowen;
4. John Dellaportas (solely for the limited purpose of responding to authenticity objections);
5. Any witnesses identified or called by any other party; and
6. Any witnesses necessary for rebuttal purposes that are not reasonably anticipated at this time.

The Parties reserve the right to amend or supplement this Amended Exhibit List and/or Witness List at any time prior to the hearing in accordance with all applicable rules.

Dated: October 30, 2019

Respectfully submitted,

By: /s/ Sabrina L. Streusand

Sabrina L. Streusand
State Bar No. 11701700
Streusand Landon, Ozburn & Lemmon, LLP
1801 S. MoPac Expressway, Suite 320
Austin, Texas 78746
(512) 236-9901 (Telephone)
(512) 236-9904 (Facsimile)
streusand@slollp.com

John Dellaportas (admitted *pro hac*)
Emmet, Marvin & Martin, LLP
120 Broadway
New York, New York 10271
(212) 238-3000 (Telephone)
jdellaportas@emmetmarvin.com

**COUNSEL TO SAGI GENDER and TPR
INVESTMENT ASSOCIATES, INC.**

and

By: /s/ Shelby A. Jordan

Shelby A. Jordan
State Bar No. 11016700
Jordan Holzer & Ortiz, P.C.
500 N. Shoreline Blvd., Suite 900
Corpus Christi, Texas 78401
(361) 884-5678 (Telephone)
(361) 888-5555 (Facsimile)
sjordan@jhwclaw.com

**COUNSEL TO DALIA GENDER and
D&K GP LLC**

and

By: /s/ Jay H. Ong

Jay H. Ong
State Bar No. 24028756
Munsch Hardt Kopf & Harr, P.C.
303 Colorado Street, Suite 2600
Austin, Texas 78701
(512) 391-6100 (Telephone)
(512) 391-6149 (Facsimile)
jong@munsch.com

**COUNSEL TO
THE ORLY GENDER 1993 TRUST**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 30, 2019, a true and correct copy of the above referenced document was served via ECF filing and/or regular U.S. mail on the following parties:

Eric Herschmann
c/o Raymond Battaglia
66 Granburg Circle
San Antonio, TX 78218-3010

Internal Revenue Service
Centralized Insolvency Operations
PO Box 7346
Philadelphia, PA 19101-7346

Kasowitz, Benson, Torres LLP
Attn: Daniel Benson, Esq.
1633 Broadway, 21st Floor
New York, NY 10019-6708

United States Trustee
Attn: Shane Tobin
903 San Jacinto, Suite 230
Austin, TX 78701-2450

Zeichner Ellman & Krause LLP
1211 Avenue of the Americas, 40th Floor
New York, NY 10036-6149

Eric J. Taube
Waller Lansden Dortch & Davis, LLP
100 Congress Ave., Suite 1800
Austin, TX 78701-4042

Orly Genger
210 Lavaca St., Unit 1903
Austin, TX 78701-4582

Arie Genger
c/o Deborah D. Williamson
Dykema Gossett PLLC
112 East Pecan St., Suite 1800
San Antonio, TX 78205

Aaron M. Kaufman
Dykema Gossett PLLC
Comerica Bank Tower
1717 Main St., Suite 4200
Dallas, TX 75201

SureTec Insurance Co.
c/o Clark Hill Strasburger
901 Main Street, #6000
Dallas, Texas 75202

Sagi Genger
c/o John Dellaportas
Emmet Marvin & Martin LLP
120 Broadway, 32nd Floor
New York, NY 10271-3291

The Orly Genger 1993 Trust
c/o Jay Ong
Munsch Hardt Kopf & Harr PC
303 Colorado Street, #2600
Austin, Texas 78701

Shelby A. Jordan
Jordan Holzer & Ortiz, P.C.
500 N. Shoreline Blvd, Suite 900
Corpus Christi, Texas 78401

/s/ Sabrina L. Streusand
Sabrina L. Streusand

